

PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY KITSAP COUNTY PIERCE COUNTY SNOHOMISH COUNTY

May 27, 1997

Certified Mail No. Z 704 779 468

RECEIVED

MAY 28 1997

AGCW-SEATTLE

Ash Grove Cement Company
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, Washington 98134-1147

Ash Grove Cement Company - Civil Penalty # 8658
Consent Order/Assurance of Discontinuance

Enclosed is a Civil Penalty in the amount of \$2,000.00 for Notice of Violation No. 36217. This Notice of Violation was issued for causing or allowing emissions of Nitrogen Oxides in excess of 700 ppm.

We propose to settle this penalty by the terms set out in the enclosed CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE. We agree to suspend \$1,000.00 of the penalty if you do not violate the terms of the Consent Order for two (2) years and you pay the remaining \$1,000.00 of the penalty.

If this CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE is acceptable to you, please sign and return the order and remit the \$1,000.00 penalty to us within thirty (30) days of receipt of this order. If you would like to discuss this offer or propose a different settlement, please call me at (206) 689-4078.

Sincerely,

Neal J. Shulman
Manager - Inspection

kes

Enclosures

Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Commissioner, Kitsap County
Member at Large
Mayor, Everett

Mayor, Bremerton
Snohomish County Council
King County Executive

Mayor, Tacoma
Mayor, Seattle
Pierce County Executive

9 Union Street, Suite 500, Seattle, Washington 98101-2038

(206) 343-8800

(800) 552-3565

FAX: (206) 343-7522
printed on recycled paper

Eileen Sellers Matt Cohen

AGCS2M001290

PUGET SOUND AIR POLLUTION CONTROL AGENCY)
a municipal corporation of the state of Washington)
110 Union Street, Suite 500)
Seattle, Washington 98101-2038)

NO. 8658

VS

ASH GROVE CEMENT COMPANY
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, Washington 98134-1147

**NOTICE AND ORDER
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36217, a copy of which has been previously provided to you or your agent, you have violated the Order of Approval for Notice of Construction No. 5730, Condition No. 6B, of the Puget Sound Air Pollution Control Agency in the following particulars:

On or about the 19th day of February 1997, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed Nitrogen Oxides emissions of 776 ppm corrected to 10% O₂ for one hour average, in violation of Condition No. 6B.

As a result of the foregoing violation(s), a penalty is assessed against you as follows:

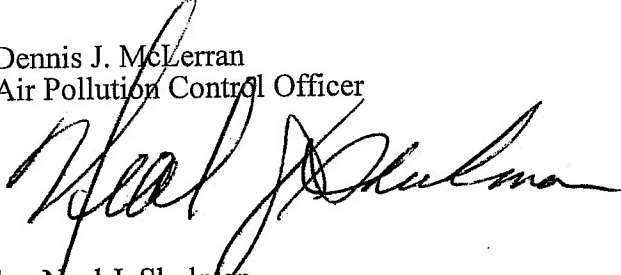
For the violation(s) that occurred on or about the 19th day of February 1997, wherein you caused or allowed Nitrogen Oxides emissions in excess of 700 ppm corrected to 10% O₂ for one hour average, in violation of the Order of Approval for Notice of Construction No. 5730, Condition No. 6B, of the Puget Sound Air Pollution Control Agency, a penalty is assessed against you in the amount of two thousand dollars (\$2,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 27th day of May 1997.

Dennis J. McLerran
Air Pollution Control Officer


by Neal J. Shulman
Manager - Inspection

Certified Mail No. Z 704 779 468

AGCS2M001291

ASH GROVE CEMENT COMPANY

VS

PUGET SOUND AIR POLLUTION CONTROL AGENCY

CIVIL PENALTY NO. 8658

CONSENT ORDER AND
ASSURANCE OF
DISCONTINUANCE

Puget Sound Air Pollution Control Agency (PSAPCA) issued and served Notice and Order of Civil Penalty No. 8658 dated the 27th day of May 1997 in the amount of \$2,000.00 to Ash Grove Cement Company. This penalty assessment was based upon violation(s) of Condition No. 6B of the Order of Approval for Notice of Construction No. 5730 in the following particulars:

On or about the 19th day of February 1997, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, Ash Grove Cement Company caused or allowed Nitrogen Oxides emissions of 776 ppm corrected to 10% O₂ for one hour average, in violation of Condition No. 6B.

Pursuant to RCW 70.94.435, Ash Grove Cement Company does hereby agree to an assurance of discontinuance from violation of Condition No. 6B, Order of Approval for Notice of Construction No. 5730, and does agree to pay \$1,000.00 of Civil Penalty No. 8658 within 30 days of receipt of this Order.

Ash Grove Cement Company further agrees to incorporate into its operation and maintenance plan the kiln stability factors that are related to air pollution exceedances, and how they are corrected. This may include monitoring of parameters such as raw material feed rates, changing fuel firing rates to the primary and secondary burners, etc.

PSAPCA accepts this assurance of discontinuance and does hereby suspend \$1,000.00 of Civil Penalty No. 8658 if no unexcused violations of Condition No. 6B of Order of Approval for Notice of Construction No. 5730 or the condition listed above occur within two (2) years of the date of this Consent Order. If any such unexcused violations occur within this two-year period, or if Ash Grove Cement Company does not comply with the condition listed above, the suspended amount of \$1,000.00 is immediately due and payable.

Failure to perform the terms of this order by Ash Grove Cement Company shall constitute grounds for PSAPCA to seek injunctive or other relief from Superior Court.

Dated this _____ day of _____ 1997.

Ash Grove Cement Company

Dennis J. McLerran
Air Pollution Control Officer

by Neal J. Shulman
Manager - Inspection